

**SENATE BILL**

**No. 10**

---

**Introduced by Senator Machado**

August 28, 2006

---

An act to add Chapter 3.21 (commencing with Section 15819.34) and Chapter 3.22 (commencing with Section 15819.38) to Part 10b of Division 3 of Title 2 of the Government Code, to amend Sections 7003, 7003.5, and 13602 of, to add Sections 7021 and 7004.5 to, and to add Chapter 9.8 (commencing with Section 6270) to Title 7 of Part 3 of, the Penal Code, and to repeal Section 2.5 of Chapter 1416 of the Statutes of 1987, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as introduced, Machado. Prisons: additional capacity: financing.

Existing law charges the Department of Corrections and Rehabilitation with the responsibility of planning and constructing state correctional facilities and permits funding for the construction of various prisons through lease-purchase financing arrangements.

This bill would require the department to design, construct, or renovate housing units and related support buildings and facilities for specified purposes. The bill would require the State Public Works Board to approve and provide administrative oversight for these projects. The bill would also require the department to submit a report to the Legislature for approval. The bill would authorize the State Public Works Board to issue revenue bonds to finance those projects.

This bill would also authorize the secretary of the department to use the design-build construction procurement process, as defined. As part

of that process, the bill would require a design-build entity to make various declarations related to its ability to adequately perform the work. A person who files a declaration that he or she knows to be false would be guilty of a misdemeanor. Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the department to begin planning and designing the establishment of reentry program facilities in collaboration with local entities.

Existing law provides for the review and approval of prison construction by the Joint Legislative Committee on Prison Construction and Operation.

This bill would transfer those functions to the Joint Legislative Budget Committee.

This bill would provide that specified provisions of existing law concerning the procurement and selection of services by a state agency head shall not apply if the department expands the scope of an existing contract or enters into a contract with specified firms to perform all required services for an authorized construction project, as specified.

Existing law authorizes the department to train correctional officers at specified locations.

This bill would authorize the department to establish a new training center in southern California.

This bill would authorize the department to use the Northern California Women's Facility in Stockton as a reception center.

This bill would appropriate \$311,731,000 from the General Fund to the Department of Corrections and Rehabilitation for specified purposes related to planning new correctional facilities or renovating existing facilities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 3.21 (commencing with Section  
2     15819.34) is added to Part 10b of Division 3 of Title 2 of the  
3     Government Code, to read:

4  
5             CHAPTER 3.21. FINANCING FOR CONSTRUCTION AND  
6             RENOVATION OF PRISON FACILITIES  
7

8     15819.34. The Department of Corrections and Rehabilitation  
9     shall design, construct, or renovate prison housing units, prison  
10    support buildings, and programming space in order to add 5,340  
11    beds at existing prison facilities. The department may use the  
12    design-build provisions of Section 15819.371 for these projects.  
13    The scope and costs of these projects shall be subject to approval  
14    and administrative oversight by the State Public Works Board,  
15    including augmentations, pursuant to Sections 13332.11 and  
16    13332.19. Any new beds constructed pursuant to this section  
17    shall be supported by rehabilitative programing for inmates,  
18    including, but not limited to, education, vocational programs,  
19    substance abuse treatment programs, and prerelease planning.

20    15819.35. For all projects approved for financing by the  
21    board pursuant to Section 15819.34, the board may borrow funds  
22    for project costs, including studies, preliminary plans and  
23    working drawings, construction and construction related costs  
24    from the Pooled Money Investment Account pursuant to Sections  
25    16312 and 16313. Project funds expended prior to project  
26    approval by the board shall not be reimbursable from the  
27    proceeds of the bonds.

28    15819.36. (a) The board may issue revenue bonds,  
29    negotiable notes, or negotiable bond anticipation notes pursuant  
30    to this part to finance the design, construction, and the costs of  
31    interim financing of the projects authorized in Section 15819.34.  
32    Authorized costs for design, construction, and construction  
33    related costs, for all projects approved for financing by the board  
34    pursuant to Section 15819.34, shall not exceed six hundred six  
35    million three hundred fifty thousand dollars (\$606,350,000).

36    (b) Notwithstanding Section 13340, funds derived from  
37    interim financing, revenue bonds, negotiable notes, or negotiable  
38    bond anticipation notes issued pursuant to this chapter are hereby

1 continuously appropriated to the board on behalf of the  
2 Department of Corrections and Rehabilitation for the purposes  
3 specified in Section 15819.34.

4 (c) For the purposes of this section, “construction related  
5 costs” may include mitigation costs of local government and  
6 school districts and may be made available pursuant to  
7 subdivisions (c) and (d) of Section 7005.5 of the Penal Code.

8 15819.37. Notwithstanding Section 15819.36, the amount of  
9 revenue bonds, negotiable notes, or negotiable bond anticipation  
10 notes to be sold shall equal the following:

11 (a) The cost of design, construction or construction  
12 management and supervision, and other costs related to the  
13 design and construction of the facilities, including  
14 augmentations.

15 (b) Sums necessary to pay interim financing.

16 (c) In addition to the amount authorized by Section 15819.36,  
17 any additional amount as may be authorized by the board to  
18 establish a reasonable construction reserve and to pay the costs of  
19 financing, including the payment of interest during acquisition or  
20 construction of the project, the cost of financing a debt-service  
21 reserve fund, and the cost of issuance of permanent financing for  
22 the project. This additional amount may include interest payable  
23 on any interim loan for the facility from the General Fund or the  
24 Pooled Money Investment Account pursuant to Sections 16312  
25 and 16313.

26 15819.371. (a) For the purposes of this section, the following  
27 definitions shall apply:

28 (1) “Design-build” means a construction procurement process  
29 in which both the design and construction of a project are  
30 procured from a single entity.

31 (2) “Design-build project” means a capital outlay project using  
32 the design-build construction procurement process.

33 (3) “Design-build entity” means a partnership, corporation, or  
34 other legal entity that is able to provide appropriately licensed  
35 contracting, architectural, and engineering services as needed.

36 (4) “Design-build solicitation package” means the  
37 performance criteria, any concept drawings deemed necessary by  
38 the department, the form of contract, and all other documents and  
39 information that serve as the basis on which bids or proposals  
40 will be solicited from the design-build entities.

1 (5) “Design-build phase” means the period following the  
2 award of a contract to a design-build entity in which the  
3 design-build entity completes the design and construction  
4 activities necessary to fully complete the project in compliance  
5 with the terms of the contract.

6 (6) “Performance criteria” means the information that fully  
7 describes the scope of the proposed project and includes, but is  
8 not limited to, the size, type, and design character of the  
9 buildings and site; the required form, fit, function, operational  
10 requirements, and quality of design, materials, equipment, and  
11 workmanship; and any other information deemed necessary to  
12 sufficiently describe the state’s needs.

13 (7) “Concept drawings” means any drawings or architectural  
14 renderings that are prepared, in addition to performance criteria,  
15 in the detail that the secretary determines necessary to  
16 sufficiently describe the state’s needs.

17 (b) Prior to contracting with a design-build entity for the  
18 procurement of state prison facilities and other prison buildings  
19 and structures and related facilities, the secretary shall do all of  
20 the following:

21 (1) Prepare a program setting forth the performance criteria for  
22 the design-build project. The performance criteria shall be  
23 prepared by a design professional duly licensed and registered in  
24 the State of California.

25 (2) (A) Establish a competitive prequalification and selection  
26 process for design-build entities, including any subcontractors  
27 listed at the time of bid, that clearly specifies the prequalification  
28 criteria and states the manner in which the winning design-build  
29 entity will be selected.

30 (B) Prequalification shall be limited to consideration of all of  
31 the following criteria:

32 (i) Possession of all required licenses, registration, and  
33 credentials in good standing that are required to design and  
34 construct the project.

35 (ii) Submission of evidence that establishes that the  
36 design-build entity members have completed, or demonstrated  
37 the capability to complete, projects of similar size, scope, or  
38 complexity, and that proposed key personnel have sufficient  
39 experience and training to competently manage and complete the  
40 design and construction of the project.

1 (iii) Submission of a proposed project management plan that  
2 establishes that the design-build entity has the experience,  
3 competence, and capacity needed to effectively complete the  
4 project.

5 (iv) Submission of evidence that establishes that the  
6 design-build entity has the capacity to obtain all required  
7 payment and performance bonding, liability insurance, and errors  
8 and omissions insurance, as well as a financial statement that  
9 assures the department that the design-build entity has the  
10 capacity to complete the project.

11 (v) Provision of a declaration certifying that applicant  
12 members of the design-build entity have not had a surety  
13 company finish work on any project within the last five years.

14 (vi) Provision of information and a declaration providing  
15 detail concerning all of the following:

16 (I) Any construction or design claim or litigation totaling more  
17 than five hundred thousand dollars (\$500,000) or 5 percent of the  
18 annual value of work performed, whichever is less, settled  
19 against any member of the design-build entity over the last five  
20 years.

21 (II) Serious violations of the Occupational Safety and Health  
22 Act, as provided in Part 1 (commencing with Section 6300) of  
23 Division 5 of the Labor Code, settled against any member of the  
24 design-build entity.

25 (III) Violations of federal or state law, including, but not  
26 limited to, those laws governing the payment of wages, benefits,  
27 or personal income tax withholding, or of Federal Insurance  
28 Contributions Act (FICA) withholding requirements, state  
29 disability insurance withholding, or unemployment insurance  
30 payment requirements, settled against any member of the  
31 design-build entity over the last five years. For the purposes of  
32 this subclause, only violations by a design-build member as an  
33 employer shall be deemed applicable, unless it is shown that the  
34 design-build entity member, in his or her capacity as an  
35 employer, had knowledge of his or her subcontractor's violations  
36 or failed to comply with the conditions set forth in subdivision  
37 (b) of Section 1775 of the Labor Code.

38 (IV) Information required by Section 10162 of the Public  
39 Contract Code.

1 (V) Violations of the Contractors' State License Law, Chapter  
2 9 (commencing with Section 7000) of Division 3 of the Business  
3 and Professions Code, excluding alleged violations or  
4 complaints.

5 (VI) Any conviction of any member of the design-build entity  
6 of submitting a false or fraudulent claim to a public agency over  
7 the last five years.

8 (vii) Provision of a declaration that the design-build entity will  
9 comply with all other provisions of law applicable to the project,  
10 including, but not limited to, the requirements of Chapter 1  
11 (commencing with Section 1720) of Part 7 of Division 2 of the  
12 Labor Code.

13 (C) The secretary, when requested by the design-build entity,  
14 shall hold in confidence any information required by clauses (i)  
15 to (vi), inclusive.

16 (D) Any declaration required under subparagraph (B) shall  
17 state that reasonable diligence has been used in its preparation  
18 and that it is true and complete to the best of the signer's  
19 knowledge. A person who certifies as true any material matter  
20 that he or she knows to be false is guilty of a misdemeanor and  
21 shall be punished by not more than one year in a county jail, by a  
22 fine of not more than five thousand dollars (\$5,000), or by both  
23 the fine and imprisonment.

24 (3) (A) Determine, as he or she deems in the best interests of  
25 the state, which of the methods listed in subparagraph (B) will be  
26 used as the process for the winning design-build entity. The  
27 secretary shall provide a notification to the State Public Works  
28 Board, regarding the method selected for determining the  
29 winning design-build entity, at least 30 days prior to publicizing  
30 the design-build solicitation package.

31 (B) The secretary shall make his or her determination by  
32 choosing one of the following methods:

33 (i) A design-build competition based upon performance, price,  
34 and other criteria set forth by the department in the design-build  
35 solicitation package. The department shall establish technical  
36 criteria and methodology, including price, to evaluate proposals  
37 and shall describe the criteria and methodology in the  
38 design-build solicitation package. Award shall be made to the  
39 design-build entity whose proposal is judged as providing the

1 best value in meeting the interest of the department and meeting  
2 the objectives of the project.

3 (ii) A design-build competition based upon performance and  
4 other criteria set forth by the department in the design-build  
5 solicitation package. Criteria used in this evaluation of proposals  
6 may include, but need not be limited to, items such as proposed  
7 design approach, life-cycle costs, project features, and functions.  
8 However, any criteria and methods used to evaluate proposals  
9 shall be limited to those contained in the design-build solicitation  
10 package. Award shall be made to the design-build entity whose  
11 proposal is judged as providing the best value, for the lowest  
12 price, meeting the interests of the department and meeting the  
13 objectives of the project.

14 (4) For the purposes of this subdivision, the following  
15 definitions apply:

16 (A) “Best interest of the state” means a design-build process  
17 that is projected by the secretary to reduce the project delivery  
18 schedule and total cost of a project while maintaining a high level  
19 of quality workmanship and materials, when compared to the  
20 traditional design-bid-build process.

21 (B) “Best value” means a value determined by objective  
22 criteria that may include, but is not limited to, price, features,  
23 functions, life cycle costs, experience, and other criteria deemed  
24 appropriate by the department.

25 (c) The Legislature recognizes that the design-build entity is  
26 charged with performing both design and construction. Because  
27 a design-build contract may be awarded prior to the completion  
28 of the design, it is often impracticable for the design-build entity  
29 to list all subcontractors at the time of the award. As a result, the  
30 subcontractor listing requirements contained in Chapter 4  
31 (commencing with Section 4100) of Part 1 of Division 2 of the  
32 Public Contract Code may create a conflict with the  
33 implementation of the design-build process by requiring all  
34 subcontractors to be listed at a time when a sufficient set of plans  
35 may not be available. It is the intent of the Legislature to  
36 establish a clear process for the selection and award of  
37 subcontracts entered into pursuant to this section in a manner that  
38 retains protection for subcontractors while enabling design-build  
39 projects to be administered in an efficient fashion. Therefore, all  
40 of the following requirements shall apply to subcontractors,

1 licensed pursuant to Chapter 9 (commencing with Section 7000)  
2 of Division 3 of the Business and Professions Code, that are  
3 employed on design-build projects undertaken pursuant to this  
4 section:

5 (1) The department, in each design-build solicitation package,  
6 may identify types of subcontractors, by subcontractor license  
7 classification, that will be listed by the design-build entity at the  
8 time of the bid. In selecting the subcontractors that will be listed  
9 by the design-build entity, the department shall limit the  
10 identification to only those license classifications deemed  
11 essential for proper completion of the project. In no event,  
12 however, may the department specify more than five licensed  
13 subcontractor classifications. In addition, at its discretion, the  
14 design-build entity may list an additional two subcontractors,  
15 identified by subcontractor license classification, that will  
16 perform design or construction work, or both, on the project. In  
17 no event shall the design-build entity list at the time of bid a total  
18 amount of subcontractors that will perform design or  
19 construction work, or both, in a total of more than seven  
20 subcontractor license classifications on a project. All  
21 subcontractors that are listed at the time of bid shall be afforded  
22 all of the protection contained in Chapter 4 (commencing with  
23 Section 4100) of Part 1 of Division 2 of the Public Contract  
24 Code. All subcontracts that were not listed by the design-build  
25 entity at the time of bid shall be awarded in accordance with  
26 paragraph (2).

27 (2) All subcontracts that were not to be performed by the  
28 design-build entity in accordance with paragraph (1) shall be  
29 competitively bid and awarded by the design-build entity, in  
30 accordance with the design-build process set forth by the  
31 department in the design-build solicitation package. The  
32 design-build entity shall do all of the following:

33 (A) Provide public notice of the availability of work to be  
34 subcontracted in accordance with Section 10140 of the Public  
35 Contract Code.

36 (B) Provide a fixed date and time on which the subcontracted  
37 work will be awarded in accordance with Section 10141 of the  
38 Public Contract Code.

1 (C) As authorized by the department, establish reasonable  
2 prequalification criteria and standards, limited in scope to those  
3 detailed in paragraph (2) of subdivision (b).

4 (D) Provide that the subcontracted work shall be awarded to  
5 the lowest responsible bidder.

6 (d) This section shall not be construed and is not intended to  
7 extend or limit the authority specified in Section 19130.

8 (e) Any design-build entity that is selected to design and  
9 construct a project pursuant to this section shall possess or obtain  
10 sufficient bonding consistent with applicable provisions of the  
11 Public Contract Code. Nothing in this section shall prohibit a  
12 general or engineering contractor from being designated the lead  
13 entity on a design-build entity for the purposes of purchasing  
14 necessary bonding to cover the activities of the design-build  
15 entity.

16 (f) Any payment or performance bond written for the purposes  
17 of this section shall use a bond form developed by the  
18 department. In developing the bond form, the department shall  
19 consult with the surety industry to achieve a bond form that is  
20 consistent with surety industry standards, while protecting the  
21 interests of the state.

22 (g) Notwithstanding Section 4 of Chapter 252 of the Statutes  
23 of 1998, the provisions of Section 13332.19 shall remain  
24 operative and the provisions of that section relating to  
25 design-build projects under the jurisdiction of the Department of  
26 General Services shall also apply to design-build projects  
27 authorized under this chapter.

28 SEC. 2. Chapter 3.22 (commencing with Section 15819.38) is  
29 added to Part 10b of Division 3 of Title 2 of the Government  
30 Code, to read:

31  
32 CHAPTER 3.22. PLANNING FOR ADDITIONAL PRISON  
33 CAPACITY  
34

35 15819.38. On or before, April 1, 2007, and prior to any  
36 request for funding in addition to the bonds authorized pursuant  
37 to Section 15819.36 and the funding provided in the act adding  
38 this chapter, the Department of Corrections and Rehabilitation  
39 shall submit to the Legislature a report, which shall include all of  
40 the following information:

1 (a) An analysis of current prison bed capacity and population,  
2 by classification levels and special housing needs, and a  
3 projection of prison bed deficiencies and surpluses. The analysis  
4 and projections shall cover the time period through January 1,  
5 2017.

6 (b) A review of options for sites for new prison capacity. The  
7 review shall include examination of permanent reactivation of  
8 state-owned correctional facilities that are currently closed,  
9 construction of new facilities on the grounds of current  
10 state-owned correctional facilities, and construction of facilities  
11 in other areas.

12 (c) A review of prison inmate housing alternatives, including,  
13 but not limited to, facilities specifically designed to house and  
14 provide medical care, facilities for geriatric inmates, substance  
15 abuse treatment facilities, mental health treatment facilities,  
16 education and employment training facilities, facilities for special  
17 inmate populations such as sex offenders, and facilities designed  
18 to house inmates with short prison stays or inmates about to be  
19 released from incarceration.

20 (d) A review of alternatives that could reduce the number of  
21 prison beds needed over the next 10 years, including, but not  
22 limited to, nonresidential custody and treatment options,  
23 compassionate release, medical release, and release with  
24 enhanced community supervision and other recidivism reduction  
25 strategies consistent with Provision 18 of Item 5225-001-0001 of  
26 Chapter 48, Statutes of 2006.

27 (e) An analysis of the costs to the state for construction, annual  
28 operation and maintenance, and debt services, for the additional  
29 prison capacity.

30 SEC. 3. Chapter 9.8 (commencing with Section 6270) is  
31 added to Title 7 of Part 3 of the Penal Code, to read:

32  
33 CHAPTER 9.8. REENTRY PROGRAM FACILITIES  
34

35 6270. The Legislature finds and declares the following:

36 (a) The continuity of services provided both before and after  
37 the person's release to parole will improve the parolee's  
38 opportunity for successful reintegration into society.

39 (b) Placing an inmate in a secure correctional facility within  
40 the community prior to their parole into that community provides

1 the opportunity for both parole and local law enforcement  
2 personnel to better coordinate supervision of that parolee.

3 6271. (a) The Department of Corrections and Rehabilitation  
4 is authorized to begin the process of planning and design for the  
5 establishment of reentry program facilities pursuant to this  
6 chapter. These facilities shall be secure facilities of up to 500  
7 beds, be for inmates within one year of being released or  
8 rereleased from custody, and, to the extent possible, be located in  
9 urban locations.

10 (b) These facilities shall only be established in a city, county,  
11 or city and county that requests a reentry program facility, and  
12 the proposed location of the facility shall be identified by the  
13 city, county or city and county.

14 6272. Reentry program facilities shall provide programming  
15 to inmates and parole violators tailored to the specific problems  
16 faced by this population when reintegrating into society. Persons  
17 housed in these facilities shall receive risk and needs  
18 assessments, case management services, and wrap-around  
19 services that provide a continuity of support services between  
20 custody and parole.

21 6273. In the locations where a reentry program facility is  
22 established, the Department of Corrections and Rehabilitation  
23 shall develop a collaborative partnership with the local  
24 government, local law enforcement, and community service  
25 providers.

26 SEC. 4. Section 7003 of the Penal Code is amended to read:

27 7003. (a) For each facility included within its master plan, at  
28 least 30 days prior to submission pursuant to subdivision (b), the  
29 department shall submit the site plans and project planning guide  
30 which is to include preliminary staffing ratios, to the Joint  
31 ~~Legislative Committee on Prison Construction and Operation~~  
32 *Budget Committee* for review.

33 The chairman may request a longer period of review if  
34 necessary for the committee and if feasible for compliance by the  
35 department.

36 (b) The department shall submit completed preliminary plans,  
37 proposed staffing patterns and proposed inmate work programs  
38 for all facilities included within its master plan, as defined in  
39 subdivision (b) of Section 7000, as soon as is practicable, but no  
40 later than ~~30~~ 45 days prior to submission to the Public Works

1 Board, to the Joint Legislative ~~Committee on Prison Construction~~  
2 ~~and Operation and the fiscal committees of the Senate and~~  
3 ~~Assembly Budget Committee~~ for review and approval. The  
4 department shall submit proposed staffing patterns at the time  
5 preliminary plans for inmate housing facilities are submitted. The  
6 department shall submit proposed inmate work-training programs  
7 at the time preliminary plans for the industrial vocational  
8 education buildings are submitted.

9 If ~~each~~ *the* committee does not, by majority vote of the  
10 committee membership, approve the submittal, the Public Works  
11 Board shall not act upon the affected plans. If ~~a~~ *the* committee  
12 fails to take any action with respect to the submitted plans within  
13 45 days after submittal, this inaction shall be deemed to be  
14 approval for purposes of this section.

15 SEC. 5. Section 7003.5 of the Penal Code is amended to read:

16 7003.5. (a) The department shall provide *each member of the*  
17 ~~Joint Legislative Committee on Prison Construction and~~  
18 ~~Operations Budget Committee~~ with periodic reports on the  
19 progress of site selection for new ~~prison~~ *prisons or facilities that*  
20 *provide medical, mental health, and long-term care, reentry*  
21 *program facilities, and expansion of and infrastructure changes*  
22 *at existing facilities.*

23 (b) On January 1 ~~and July 1~~ of each year, the department shall  
24 report to the Joint Legislative ~~Committee on Prison Construction~~  
25 ~~and Operation Budget Committee~~ on areas being considered for  
26 proposed prison facilities, the size of the facilities planned,  
27 financing, and how each facility fits into the department's master  
28 plan ~~insofar as this information is available to the department at~~  
29 ~~the time the report is presented to the committee.~~ The report shall  
30 also include the status of each proposed prison *or facility that*  
31 *provides medical, mental health, and long-term care, reentry*  
32 *program facilities, and expansion of and infrastructure changes*  
33 *at existing facilities,* and sites being planned for preliminary  
34 studies if known at that time.

35 (c) The committee may take appropriate advisory action  
36 concerning any submittals required by this section.

37 (d) This section applies to regular prison facilities, major  
38 enlargements ~~of and infrastructure changes at existing facilities,~~  
39 ~~prison-hospital facility construction and expansion, for the~~  
40 *provision of medical, mental health, and long-term care, and*

1 return to custody facilities, whether or not built or operated  
2 exclusively by the department.

3 SEC. 6. Section 7004.5 is added to the Penal Code, to read:

4 7004.5. The Department of Corrections and Rehabilitation  
5 shall meet with representatives of cities or counties, if the prison  
6 is located in an unincorporated location, whenever the  
7 Legislature authorized the planning, design, or construction of  
8 new permanent housing units. The meeting shall take place prior  
9 to the completion of the review required by Division 13  
10 (commencing with Section 21000) of the Public Resources Code.  
11 The department shall describe the scope of the project, the  
12 project schedule, and shall consider comments from the city or  
13 county representatives regarding the project's impact.

14 SEC. 7. Section 7021 is added to the Penal Code, to read:

15 7021. Sections 4527 and 4528 of the Government Code shall  
16 not apply if the Department of Corrections and Rehabilitation  
17 expands the scope of an existing contract with a firm providing  
18 architectural or engineering services, or both, or construction  
19 project management services, or if it enters into a contract with a  
20 firm that has previously provided any of these services to the  
21 department, to perform all required architectural, engineering, or  
22 construction project management services for any construction  
23 project authorized pursuant to legislation enacted in the 2005–06  
24 Second Extraordinary Session.

25 SEC. 8. Section 13602 of the Penal Code is amended to read:

26 13602. (a) (1) The Department of Corrections and  
27 Rehabilitation may use the training academy at Galt or the  
28 training center in Stockton. The academy at Galt shall be known  
29 as the Richard A. McGee Academy. The training divisions, in  
30 using the funds, shall endeavor to minimize costs of  
31 administration so that a maximum amount of the funds will be  
32 used for providing training and support to correctional peace  
33 officers while being trained by the department.

34 (2) *In addition to the locations identified in paragraph (1), the*  
35 *department may establish a training academy for correctional*  
36 *officers in southern California.*

37 (b) Each new cadet who attends an academy shall complete  
38 the course of training, pursuant to standards approved by the  
39 Corrections Standards Authority before he or she may be  
40 assigned to a post or job as a peace officer. Every newly

1 appointed first-line or second-line supervisor in the Department  
2 of Corrections and Rehabilitation shall complete the course of  
3 training, pursuant to standards approved by the authority for that  
4 position.

5 (c) The Department of Corrections and Rehabilitation shall  
6 make every effort to provide training prior to commencement of  
7 supervisory duties. If this training is not completed within six  
8 months of appointment to that position, any first-line or  
9 second-line supervisor shall not perform supervisory duties until  
10 the training is completed.

11 SEC. 9. Section 2.5 of Chapter 1416 of the Statutes of 1987 is  
12 repealed.

13 ~~SEC. 2.5. Notwithstanding Section 1 of Chapter 1549 of the~~  
14 ~~Statutes of 1982, as amended by Chapter 165 of the Statutes of~~  
15 ~~1987 or any other provision of law, the Department of~~  
16 ~~Corrections is authorized to house more than 400, but no more~~  
17 ~~than 800, women at Northern California Women's Facility~~  
18 ~~located on the grounds of the Northern California Youth Center~~  
19 ~~in San Joaquin County. This action is necessary to alleviate~~  
20 ~~severe overcrowding at the California Institution for Women in~~  
21 ~~Frontera.~~

22 SEC. 10. Notwithstanding any other provision of law, the  
23 Department of Corrections and Rehabilitation is authorized to  
24 use the Northern California Women's Facility in Stockton as a  
25 reception center.

26 SEC. 11. The sum of three hundred eleven million seven  
27 hundred thirty-one thousand dollars (\$311,731,000) is hereby  
28 appropriated from the General Fund to the Department of  
29 Corrections and Rehabilitation for the following purposes:

30 (a) To plan for reentry program facilities pursuant to Chapter  
31 9.8 (commencing with Section 6270) of Title 7 of Part 3 of the  
32 Penal Code.

33 (b) To plan and develop proposals for new facilities that  
34 provide medical, mental health, and long-term care on land  
35 currently under the jurisdiction of the department.

36 (c) For preliminary plans and working drawings for the  
37 renovation and construction of approximately 10,900 additional  
38 beds and support buildings, including facilities for providing  
39 rehabilitative programming and health care services to inmates at

1 existing prisons or on land currently under the jurisdiction of the  
2 department adjacent to existing prisons.

3 (d) For preliminary plans, working drawings and construction  
4 to renovate, improve or expand infrastructure capacity at existing  
5 prison facilities.

6 (e) To plan and develop proposals for a new southern  
7 California correctional officer training facility.

8 (f) For preliminary plans, working drawings, and construction  
9 at the California Rehabilitation Center in order to perform the  
10 necessary construction to convert 800 beds to house male  
11 inmates.

12 (g) To provide the necessary departmental support for the  
13 design, planning, and construction activities consistent with this  
14 measure, support for the inmate-ward labor program, support for  
15 the transfer of inmates to out-of-state facilities and support for  
16 alternative housing for cadets displaced by the conversion of the  
17 Northern California Women's Facility to a reception center. Any  
18 funding expended for this component shall require written  
19 justification and notification to the Legislature by the secretary of  
20 the department, no later than January 10, 2007.

21 SEC. 12. No reimbursement is required by this act pursuant  
22 to Section 6 of Article XIII B of the California Constitution  
23 because the only costs that may be incurred by a local agency or  
24 school district will be incurred because this act creates a new  
25 crime or infraction, eliminates a crime or infraction, or changes  
26 the penalty for a crime or infraction, within the meaning of  
27 Section 17556 of the Government Code, or changes the  
28 definition of a crime within the meaning of Section 6 of Article  
29 XIII B of the California Constitution.

30 SEC. 13. This act is an urgency statute necessary for the  
31 immediate preservation of the public peace, health, or safety  
32 within the meaning of Article IV of the Constitution and shall go  
33 into immediate effect. The facts constituting the necessity are:

34 As of June 2006, the prison inmate population totaled nearly  
35 172,000. More than 16,000 inmates are being housed in buildings  
36 that were not designed as housing units, and all capacity in these  
37 nontraditional spaces will be exhausted by June 2007. In order to

- 1 provide prison capacity beyond 2007, it is necessary that this act
- 2 take effect immediately.

O